

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY  
APPROVING A CONTRACT TO BE ENTERED INTO BETWEEN ATLANTIC POWER  
SOLUTIONS, INC. AND CHATHAM COUNTY**

**WHEREAS**, Chatham County has solicited bids for a contract to maintain and service County owned emergency generators; and

**WHEREAS**, Atlantic Power Solutions, Inc. submitted the lowest bid for the maintenance of the County's emergency service generators; and

**WHEREAS**, Walter Petty has more than a ten percent (10%) ownership interest in Atlantic Power Solutions, Inc.; and

**WHEREAS**, on the 2<sup>nd</sup> day of November, 2010 Walter Petty was elected as a County Commissioner for Chatham County and was sworn into office on the 6<sup>th</sup> day of December, 2010; and

**WHEREAS**, N. C. Gen. Stat. § 14-234(d1) provides an exception to the conflict of interest prohibitions of N. C. Gen. Stat. § 14-234 (a) for public officers in counties with no town or city located therein with a population of more than 15,000 based on the most recent official federal census; and

**WHEREAS**, the Chatham County Board of Commissioners finds and determines that there is no town or city located with Chatham County that has a population of more than 15,000 based on the most recent federal census; and

**WHEREAS**, Atlantic Power Solutions, Inc. is currently maintaining the County's generators under a contract approved and ratified by the Chatham County Board of Commissioners on or about the 19<sup>th</sup> day of August, 2013 pursuant to N. C. Gen. Stat. § 14-234(d1) which contract will expire June 30, 2014; and

**WHEREAS**, the County has determined that a new contract should be entered into which will run from July 1, 2014 to June 30, 2015; and

**WHEREAS**, generators are essential to the operation of the County's emergency management program during periods of power outages caused by hurricanes and other natural disasters, and

**WHEREAS**, without adequately operating generators the County will be unable to provide emergency services to its citizens and residents; and

**WHEREAS**, the Chatham County staff has recommended that the County enter into the contract attached hereto as Appendix A (the "Contract") with Atlantic Power Solutions, Inc. because the service it has received and is receiving from Atlantic Power Solutions, Inc. is superior to the quality of service it has received from any other service provider in the past; and

**WHEREAS**, the price quoted by Atlantic Power Solutions, Inc is cheaper than the price quoted by any other bidder; and

**WHEREAS**, the average estimated response time to a failed generator by Atlantic Power Solutions, Inc is three (3) times faster than any other bidder; and

**WHEREAS**, the Chatham County Board of Commissioners, after taking into consideration the price and quick response time, has determined that it is in the best interest of Chatham County to enter into the Contract with Atlantic Power Solutions, Inc.;

**NOW, THEREFORE, BE IT RESOLVED** by the Chatham County Board of Commissioners:

1. That the Contract to be entered into between Chatham County and Atlantic Power Solutions, Inc., dated and made effective as of the 1<sup>st</sup> day of July, 2014, for annual generator maintenance in the amount of \$10,280.00 for scheduled service and \$85.00 per hour (time and a half for after hours) for repairs and maintenance beyond scheduled service and emergency repairs, plus installed parts at a 20% mark up, is hereby specifically approved.
2. That this resolution be recorded in the official minutes of Chatham County and that said minutes specifically state that Walter Petty did not vote on or otherwise participate in the consideration or adoption of this Resolution.
3. That the Clerk and Finance Officer of Chatham County are hereby directed to comply with the posting and reporting requirements of N. C. Gen. Stat. § 14-234(d1) with respect to this Resolution and the Contract.

Introduced: \_\_\_\_\_

Adopted: \_\_\_\_\_

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Lindsay K. Ray  
Clerk to the Board  
Chatham County Board of Commissioners